

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12777, of Joseph Andruchis, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the first floor of the subject premises as a day care (pre-school) consisting of twenty children and two teachers in an R-1-B District at the premises 2200 - 32nd Place, S.E. (Square 5654, Lots 19 and 20).

HEARING DATE: October 18, 1978
DECISION DATE: November 1, 1978

FINDINGS OF FACT:

1. The subject property is located on the southeast corner of 32nd Place and W Street, S.E. and is known as 2200 32nd Place, S.E. It is in an R-1-B District.
2. The subject site is located in a stable residential area containing well kept, large, single family homes.
3. The subject house is located on lots which measure approximately sixty-one feet in width and 141 feet in depth. The property is improved with a single family home of two floors, attic and basement. Each floor, attic and basement has two bedrooms, living room, kitchen and bath. There is a sixteen foot wide public alley to the rear of the premises.
4. The subject structure has no certificate of occupancy for its present interior layout.
5. The applicant proposes to use the first floor of the subject premises as a day care (pre-school) center serving both the English and spanish speaking community of Washington. It plans for twenty children and two teachers. It is intended that the second floor of the house will be used initially for residential purposes. As the school expands the second floor will also be used for the day care center, with a proposed maximum enrollment of approximately 100 students.
6. There is no parking garage on the subject property, nor is any off-street parking provided. The Zoning Regulations require two parking spaces for each three teachers.

7. The applicant did not request a variance from the parking requirements, although one would be required. It is intended that the school staff will not be using automobiles to get to the school, and that on-street parking could be available for the few cars that would be coming.

8. The rear yard of the premises has approximately eleven full grown trees over six inches in diameter and approximately twenty feet in height, which would have to be removed to provide parking on-site. Removal of the trees would change the character of the site and set it apart from other buildings and properties in the area.

9. The applicant projects that of the twenty students for the center, fourteen are within a three to four block radius and will probably be dropped off by their parents from a car, three students will be from a distance more than ten blocks from the center, and three will come from undetermined locations.

10. The applicant projects that the building can accommodate 100 children and that it is the intent of the operation to eventually reach that level of students.

11. There are approximately nine other facilities in the neighborhood area, public and private schools, that at the present time afford comparable services as those which the applicant proposes.

12. There are other large houses in the neighborhood which are used as residences, although not containing the approximately twenty rooms of the subject improvement.

13. The Municipal Planning Office, by report dated October 13, 1978 recommended that the application be denied on the grounds that the proposed use would have an adverse affect on the neighborhood. It noted that no off-street parking is being provided, that the rear yard has many large trees which further prohibits parking on the subject grounds; that the subject property is located one block distant from Alabama Avenue and Branch Avenue, both heavily travelled arterial streets, and that the residential streets which are in the immediate area of the site feeding into Alabama Avenue and Branch Avenue have one way traffic during rush hour alleviating to a great extent vehicular congestion along these streets. It further noted that the subject structure is designed for residential purposes, that the living room on the first floor measures approximately 300 square feet and that, generally, it is questionable whether the required

care and play space for the children can be met. The Board so finds.

14. Advisory Neighborhood Commission 7B, by letter dated October 16, 1978, reported that it voted to support the application but did not appear at the hearing and did not state reasons for its support.

15. There was much opposition to the granting of the application on the part of immediate neighborhood property owners. The grounds of the objection were that there was no need for an additional pre-school center in the neighborhood in that the neighborhood was already served by approximately nine other comparable facilities, both public and private; that the use proposed would be objectionable because of the noise of the children in a quiet residential neighborhood, the number of children proposed for the present time and the number of 100 proposed for the future; and the traffic the use would engender in the neighborhood. The neighbors also questioned whether the enrollment at the school would be limited primarily to children residing in the neighborhood since there is a limited number of spanish speaking families in the neighborhood.

16. There was no one in favor of the application other than ANC-7B.

CONCLUSIONS OF LAW:

Based on the record the Board concludes that the proposed use is not reasonably necessary to the neighborhood which it is proposed to serve, a prerequisite requirement under Paragraph 3101.41 under which the application is brought. This neighborhood has more than adequate facilities to provide basically the same needs which the applicant is proposing for an additional day care (pre-school) center.

The Board concludes that the ultimate size of the facility, suggested at a capacity of 100 children, will be far out of scale with that neighborhood. The Board concludes that the applicant will not meet the requirement for providing off-street parking spaces and that a variance from such requirement would be necessary. The applicant did not request such a variance, and did not provide any evidence in the record as to the exceptional conditions of the property or the practical difficulties upon the owner which would result if the regulations were strictly applied. In fact, the record seems to indicate that there are other similar large properties in residential use in the area. The Board further notes that to provide off-street parking in the yard would seriously harm the residential character of the area by requiring the removal of large trees on the lot.

The Board further notes that serious questions have been raised about the traffic consequences of the proposed school including the possible congestion resulting from parents picking up and dropping off their children and the limited access to the site because of peak hour traffic restrictions. The Board concludes that such traffic problems would be undesirable in what is now a quiet single family neighborhood.

As to the issues and concerns of the Advisory Neighborhood Commission, the Board concludes that it is unable to address such issues and concerns, because the ANC did not state any reasons for its recommendation of approval.

Since the proposed school does not fill a neighborhood need and would be superabundant to this neighborhood, the Board concludes that to grant the special exception would not be in harmony with the general purpose and intent of the Zoning Regulations and would affect adversely the use of neighborhood property in accordance with said Zoning Regulations and Maps. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (John G. Parsons, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to DENY, Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher by Deput
STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 1/5/79